IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 265 OF 2002

Vishwanath Rajaram Bhabal..... ....Applicant.
V/s
Manohar Dhondu Juwatkar & Anr..... .....Respondents.

Office Notes, Office Memoranda of Coram, appearances, Court' s orders or directions and Registrar's orders.	Court's or Judge' s Orders

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Miss. S. Y. Mohite, Adv. for the applicant.

Mr.A. M. Shringarpure, APP for the State.

CORAM:V.G. PALSHIKAR, J.
21.6.2005.

PC:

By this revision application the applicant seeks revision of the order passed on 11.4.2002 by the learned Judicial Magistrate, First Class, Devgad acquitting all the accused persons.

2. The learned Judge has appreciated the evidence on record and has rejected the evidence of some eye witnesses on the ground that according to him they were not reliable. The learned counsel appearing on behalf of the applicant submits that there is nothing n the

evidence of these persons to show that they are partisan or belonging to the group of the complainant and in any event, there is no reason why they should be so disbelieved on this ground. In the circumstances it is possible to take a different view of the evidence on reappreciation which can be consistent with the claim of the prosecution for conviction. However it then becomes a stage where two views on appreciation of evidence are possible. But on favourable to the accused that has been accepted by the learned Judge, interference in appellate jurisdiction against order of acquittal is not warranted in view of the several judgments of the Supreme Court of India. If that being the position in law I see no reason to entertain this revision application. Hence application rejected.

21.6.2005